



Ellen
Weitzler/R1/USEPA/US
09/09/2009 09:34 AM

To "Richardson, Hetty L" <Hetty.L.Richardson@maine.gov>
cc "Fisk, Andrew C" <Andrew.C.Fisk@maine.gov>,
"McClintock, Jan" <Jan.McClintock@maine.gov>, Jennie
Bridge/R1/USEPA/US@EPA, Stephen
bcc
Subject Re: FW: EPA Approval Letter regarding Maine submittal of
4-8-09

Hetty,

As we discussed on the phone yesterday, EPA responded to Legislative Chapter 292 Section 18 because it was described in the "memo describing changes to statutes and indicating hearing dates" which was included to Maine's April 8, 2008 water quality standards revision submittal package. We erroneously assumed that the reference to Section 17 was a typo because Section 17 wasn't described in the memo, while section 18, which wasn't referenced, was described. Section 17 amends 38 M.R.S.A Section 361-A to update the definition of the Federal Water Pollution Control Act to include amendments effective on or before July 1, 2007.

EPA finds that this revision is not a new or revised water quality standard and therefore is not subject to EPA review and approval under Section 303(C) of the Clean Water Act. EPA does not anticipate any further action (such as submittals or approval letters) from Maine DEP or EPA in regard to the 2006-2007 Section 17 revision.

Please let me know if you have any other questions.

Ellen

Ellen Weitzler, P.E.
Water Quality Standards Branch
US EPA Region 1 (CWQ)
One Congress Street
Boston, MA 02114
Tel 617-918-1582
FAX 617-918-0582
"Richardson, Hetty L" <Hetty.L.Richardson@maine.gov>



"Richardson, Hetty L"
<Hetty.L.Richardson@maine.gov>
09/08/2009 10:13 AM

To Ellen Weitzler/R1/USEPA/US@EPA
cc "Fisk, Andrew C" <Andrew.C.Fisk@maine.gov>,
"McClintock, Jan" <Jan.McClintock@maine.gov>, Jennie
Bridge/R1/USEPA/US@EPA
Subject FW: EPA Approval Letter regarding Maine submittal of
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Ellen:

On reviewing the attached letter, it looks like there may be a typographical error in the citation of a section. On the second page, there are two paragraphs that read:

We have determined that the following provisions are not new or revised water quality standards and therefore are not subject to EPA review and action under Section 303 (C) of the Clean Water Act: Legislative Chapter 65 (L.D. 587) in its entirety, and Legislative Chapter 292 (L.D. 1778) Sections 16, 18 and 20.

We are still reviewing Legislative Chapter 292 (L.D. 1778), Section 23, which would add "and domestic animal" to the bacteria standard for Class GPA waters. Therefore we are not taking any action with respect to that provision at this time.

These paragraphs address PL 2007, ch. 292, sections 16, 18, 20, and 23.

From my records, DEP submitted PL 2007, ch. 292, sections 16, 17, 20, and 23 for review by EPA. Looking at Chapter 292, this makes sense. Would you please check, and confirm that you intended to reference section 17 rather than section 18?

I also need to confirm this because the Maine statutory sections amended by PL 2007, ch. 292, Sections 16 and 17, which would be 38 MRSA 361-A(1-J) and (1-K), were just amended again in the most recent legislative session. If you do not consider them water quality standards, I won't submit the most recent changes to these sections with the docket submission.

Note: I sent a link to Jennie with the only two recent legislative chapters from the most recent legislative session as requested, which I was planning to include in the docket, so you could give an initial read on what was or was not a water quality standard. I haven't heard back on that. But, I think the only items that are questionable would be the recent two amendments to 38 MRSA 361-A(1-J) and (1-K). So, if you can confirm your view of 38 MRSA 361-A(1-J) and (1-K), I can go ahead and wind up the materials for submission to you for the most recent docket items.

Thank you.

- Hetty

Hetty Richardson
Maine DEP, Bureau of Land & Water Quality
207-287-7799 (today and tomorrow) and 866-0458 (remainder of week)

-----Original Message-----

From: Davies, Susan P
Sent: Wednesday, August 19, 2009 4:30 PM
To: Richardson, Hetty L
Subject: FW: EPA Approval Letter regarding Maine submittal of 4-8-09

Looks like you're on the list but maybe she didn't have your address quite right

Susan P. Davies
Water Quality Standards Coordinator
Maine DEP SHS 17
Augusta, ME 04333
207-287-7778
207-287-7846 (FAX)

-----Original Message-----

From: Weitzler.Ellen@epamail.epa.gov [mailto:Weitzler.Ellen@epamail.epa.gov]
Sent: Wednesday, August 19, 2009 12:57 PM

To: Littell, David P
Cc: Richardson, Hetty L; peter.colosi@noaa.gov; Davies, Susan P;
vernon_lang@fws.gov; Mary.A.Colligan@noaa.gov; bridge.jennie@epamail.epa.gov;
Stapleton.Gregory@epamail.epa.gov; Silva.Stephen@epamail.epa.gov; Fisk, Andrew
C; Courtemanch, Dave L
Subject: EPA Approval Letter regarding Maine submittal of 4-8-09

(See attached file: ME Appr letter 8-19-09.pdf)

Ellen Weitzler, P.E.
Water Quality Standards Branch
US EPA Region 1 (CWQ)
One Congress Street
Boston, MA 02114
Tel 617-918-1582
FAX 617-918-0582[attachment "ME Appr letter 8-19-09.pdf" deleted by Ellen
Weitzler/R1/USEPA/US]

